



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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Commissioner for Patents
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Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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02/17/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,556	09/22/2000	Alexander Burger	016779/0154	2628

TITLE OF INVENTION: MEDICAMENT FOR THE AVOIDANCE OR TREATMENT OF PAPILLOMAVIRUS-SPECIFIC TUMOUR

PAPILLOMAVIRUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$\$\$ \$665	\$0	\$\$\$ \$665	05/17/2004
EXAMINER	ART UNIT	CLASS-SUBCLASS			
FOLEY, SHANON A	1648	424-204100			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Foley & Lardner LLP

2. _____

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

MediGene Aktiengesellschaft

Martinsried, Federal Republic of Germany

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 19-0741 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

Michele M. Simkin

05/17/2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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PAPILLOMAVIRUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$338 \$665	\$0	\$338 \$665	05/17/2004
EXAMINER	ART UNIT	CLASS-SUBCLASS			
FOLEY, SHANON A	1648	424-204100			

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1 Foley & Lardner LLP

2 _____

3 _____

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

MediGene Aktiengesellschaft

Martinsried, Federal Republic of Germany

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☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

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Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

Michele M. Simkin

05/17/2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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TRANSMIT THIS FORM WITH FEE(S)



Atty. Dkt. No. 037067-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander BURGER et al.

Title: MEDICAMENT FOR PREVENTING OR TREATING
PAPILLOMA VIRUS-SPECIFIC TUMORS

Appl. No.: 09/667,556

Filing Date: 09/22/2000

Examiner: S. Foley

Art Unit: 1648

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ISSUE FEE TRANSMITTAL

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find:

- PTOL-85 (1 page)
- Assertion of Small Entity Status (1 page);
- Request for Reconsideration of Patent Term Adjustment (3 pages);
- Applicants' Response to Examiner's Statement of Reasons for Allowance (2 pages);
- Check No. 35974 in the amount of \$665.00 for payment of issue fee;
and
- Check No. 35975 in the amount of \$200.00 for payment of the Request
for Reconsideration.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741.

Respectfully submitted,

Mr. Stephen B. Maebius
Reg No. 34,717

Date May 17, 2004

By _____

FOLEY & LARDNER LLP
Customer Number: 23533
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

for Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



Atty. Dkt. No. 037067-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander BURGER et al.
Title: *Medicament For Preventing Or Treating
Papilloma Virus-Specific Tumor*
Appl. No.: 09/667,556
Filing Date: September 22, 2000
Examiner: S. Foley
Art Unit: 1648

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ASSERTION OF SMALL ENTITY STATUS

Mail Stop: ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby claim small entity status.

Respectfully submitted,

Date May 17, 2004

By Michael Maebius
Reg No. 34,717

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



Atty. Dkt. No. 037067-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alexander BURGER et al.

Title: MEDICAMENT FOR THE AVOIDANCE OR TREATMENT OF
PAPILLOMAVIRUS-SPECIFIC TUMOUR

Appl. No.: 09/667,556

Filing Date: September 22, 2000

Examiner: Shanon A. Foley

Art Unit: 1648

Allowed: February 17, 2004

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OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT UNDER 37 CFR §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment included with the Notice of Allowance mailed February 17, 2004.

The above-identified application was filed on September 22, 2000. A non-final Office Action was mailed on April 18, 2001. The Applicants failed to act in a timely fashion by responding to the Office Action on August 20, 2001 and subsequently filed an Information Disclosure Statement on October 26, 2001, a total delay of 100 days. The Patent Office mailed another non-final Office Action on November 6, 2001, which the Applicants again failed to act in a timely fashion by filing a non-compliant response on May 6, 2002. The Applicants filed a compliant response to the November 6, 2001 Office Action on August 14, 2002. However, the Applicants filed an Information Disclosure Statement on September 18, 2002 and again on March 28, 2003. These actions caused an Applicant delay of an additional

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415 days. The Applicants have caused a total delay of 515 days throughout the prosecution of this application.

The Patent Office failed to act in a timely fashion in response to the Applicant's filing of August 14, 2002, by issuing a final Office Action on October 2, 2003, a Patent Office delay of 291 days.

The Applicant should receive Patent Term Adjustment under 35 U.S.C. 154(b)(1)(B), which guarantees the issuance of a patent within three (3) years from the filing date of the application. The three (3) year time period started on September 22, 2003. The projected patent grant date for this application is August 31, 2004 (28 weeks after the mailing date of the notice). If the Patent issues on the date specified in the Determination of Patent Term Adjustment, the Patent Office will have caused a delay of 344 days. The Patent Office has caused a total delay of 626 days throughout the prosecution of this application.

The "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)" mailed with the Notice of Allowance on February 17, 2004 states that:

"If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 days."

It is the Applicants' understanding that this statement is incorrect, and 37 CFR 1.705 makes it clear that any request for reconsideration of such patent term adjustment that will be accrued up to the projected grant date has to be made before the issue fee is paid. After the issue fee is paid, request for reconsideration can only be filed under 37 CFR 1.705(d) if "the patent is issued on a date other than the projected date of issue and *this change* necessitates a revision of the patent term adjustment".

The Applicants believe that if the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on August 31, 2004, the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of the Notice of Allowance, the Patent Term Adjustment will be 111 days.

The pending application is not subject to a terminal disclaimer.

It is respectfully requested that a patent term adjustment of 111 days be issued in favor of the Applicants.

A check for the amount of \$200 is enclosed herewith. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Michael M. Maebius

By Reg No. 34,717

Date May 17, 2004

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

[Signature]

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264



Atty. Dkt. No. 037067-0114

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander BURGER et al.
Title: *Medicament For Preventing Or Treating
Papilloma Virus-Specific Tumor*
Appl. No.: 09/667,556
Filing Date: September 22, 2000
Notice of Allowance
Mailed February 17, 2004
Examiner: S. Foley
Art Unit: 1648

APPLICANTS' RESPONSE TO
EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop: ISSUE FEE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Notice of Allowance issued February 17, 2004 in connection with the captioned application included an Examiner's Statement of Reasons for Allowance. Applicants' comments in response thereto are set forth below.

In the Examiner's statement of reasons for allowance, the Examiner states:

"On page 4, line 24 to page 5, line 5, the specification defines and provides examples of what is intended by papillomavirus unspecific epitopes. While it is clearly evidence that misformed papillomavirus epitopes that cannot induce the appropriate immune response are excluded, papillomavirus epitopes that are cross-reactive with other substances, are also excluded from the claims since any cross-reactivity would contradict the required papillomavirus specificity."

Applicants note, however, that the term "papillomavirus-unspecific epitopes" is defined in the specification at page 4, lines 24-27 as "epitopes in the fusion protein which are caused by a foreign protein fraction, by post-translational modifications or by misfolding of papillomavirus-specific proteins." Therefore, the definition does not relate to cross-reactivity.

Date May 17, 2004

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Respectfully submitted,

Stephen B. Maebius

By Reg No. 34,717

[Signature]

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264